

RECEIVED
JUL 26 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 2011	
By _____	Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-4142
_____	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Gerald B. Bashaw on November 13, 2007. The *Objection* was resolved on July 19, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: July 22, 2011.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 2011	
By _____	Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-04142

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: AUDREY BASHAW
GERALD B BASHAW
PO BOX 767
PICABO, ID 83348

SOURCE: WASTER WATER TRIBUTARY: LOVING CREEK

QUANTITY: 4.72 CFS
1315.00 AFY

The rights listed below are limited to a total combined diversion rate of 7.48 cfs and to a total combined annual diversion volume of 1309 AF for irrigation purposes. Combined Right Nos.: 37-11556, 37-4142, 37-800 and 37-801.

PRIORITY DATE: 04/30/1931

POINT OF DIVERSION: T01S R19E S03 NWNESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	4.60 CFS 1309.00 AFY
Stockwater		01-01 TO 12-31	0.12 CFS 6.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01N R19E S34	NESE 16.0	SESE 20.0
S35	NWSW 19.0	SWSW 35.0
T01S R19E S02 LOT 2	(SWNE) 15.0	LOT 3 (NESW) 5.0
	NESW 40.0	NWSW 33.0
	SWSW 35.0	SESW 25.0
	NESE 25.0	NWSE 18.0
	SWSE 10.0	SESE 40.0
S03 LOT 2	(SWNE) 8.0	NESE 30.0
	NWSE 3.0	SESE 4.0
S11	NENE 35.0	NENW 3.0
	NWNW 15.0	
	434.0 Acres Total	

Stockwater Within Blaine County
Same as Irrigation

The rights listed below are limited to the irrigation of a combined total of 374 acres in a single irrigation season. Combined Right Nos.: 37-11556, 37-4142, 37-800 and 37-801. This right is limited to the irrigation of 374 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

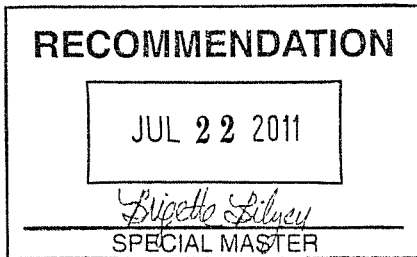
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 37-04142

On July 22, 2011, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 22, 2011.


JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s): 37-04142

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 22, 2011, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

AUDREY BASHAW
GERALD B BASHAW
Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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07/22/11